

Amendment under 37 C.F.R. § 1.111  
Application No. 10/520,428

**AMENDMENTS TO THE DRAWINGS**

Figure 1

Attachment: Replacement Sheet

### REMARKS

Claims 13-27 are all the claims pending in the application. Claims 13, 24 and 27 are rejected. Claims 25 and 26 are objected to but would be allowable if placed into independent form. Applicants have amended claim 13. Claim 16 is cancelled. New claims 28-30 are added.

Applicants have amended claim 13 to incorporate claim 16, which has been cancelled. Also, Applicants have formulated three new independent claims, in order to better define the invention and thereby distinguish the invention more clearly from the state of the art.

### *Priority Documents*

Applicants note with appreciation the Examiner's indication in the Office Action Summary that the copies of the certified copies of the priority documents have been received. Applicants assume that no further submissions are required to perfect the claim to priority. The Examiner is kindly requested to advise Applicants if this is not the case.

### *Information Disclosure Statement*

The Examiner has objected to the listing of prior art references only in the specification and asserts that all relevant references also must be cited in the specification. Applicants have filed a new Information Disclosure Statement, specifically including the missing publication DE 299 04 591 U1.

### *Drawings*

The drawings were found objectionable because, in Figure 1, the reference sign 47 for the inclined guiding surface was missing. This has been added in the replacement sheet. Applicants also adjusted the line referring to reference number 46, which was not drawn precisely.

### *Specification*

The Examiner has objected to the Abstract because of its content and length. A new and shortened abstract that complies with MPEP §608.01(b) is submitted.

The Examiner also has identified several bases for objection to the specification and, in some cases, suggested changes. Applicants appreciate the Examiner's assistance.

The mistake in paragraph 0020 of the published application (Pub. No. US 2005/0225070 A1) lies not in the term associated with item 29, but the reference number associated with the term 'longitudinal slit', which is supposed to be 31. The reference number 29 has been replaced with reference number 31 here.

Applicants have endeavored to correct the identified deficiencies. If any remain, the Examiner is requested to contact the undersigned.

#### *Claim Objections*

Claim 13 is objected to because of a typographical error. The claim has been amended to delete "a" in line 21 of the claim.

#### *Claim Rejections - 35 USC 102*

**Claim 13 is rejected under 35 USC 102(b) as being anticipated by Wells (5,549,330).** This rejection is traversed for at least the following reasons.

As a preliminary matter, the Examiner's statement of rejection is inconsistent with the detailed discussion of the main reference to Wells. Only claim 13 is mentioned in the summary statement but additional claims are analyzed in the detailed discussion of the prior art reference to Wells. Applicants are assuming that claims in addition to claim 13 are rejected as being anticipated, and that the rejection of the other claims is not under Section 103. If this assumption is in error, Applicants respectfully request a new Office Action that correctly states the rejection.

Although Applicants strongly believe that claim 13 is not anticipated by Wells, as originally claimed, in order to advance the prosecution in this case, claim 13 has been amended so that it now contains the elements of former (and now deleted) claim 16, which is the accessibility of the recess from the handle head front face, as well as the specification that the connecting element is fixedly insertable in the longitudinal slit by a downward motion. These elements find support in the specification, in paragraphs 0006 (lines 5 to 10) and 0016 (line 19,

25 to 26) of the published application (Pub. No. US 2005/0225070 A1). In addition, a formal deficiency has been cured by deleting the term 'a' (in line 16 of claim 13).

Wells

The Examiner supports his rejection of claim 13 as anticipated by Wells by asserting at page 4 that Wells discloses a “longitudinal slit.” Applicants disagree and respectfully submit that Wells merely teaches a hole, in which the first connecting element is to be inserted. This is not a “longitudinal slit,” let alone a longitudinal slit “extending from above to below a range of motion of the second connecting element,” as set forth in the last phrase of the claim.

As one can see from Figures 1 and 7 of the reference, Wells discloses a quick release ski pole strap system (12) including a ski pole grip (14) and a ski pole strap (20). The system comprises a strap pin (88), attached to one end of the strap (20), the other end attached to the hand of the skier, said pin (88) being for detachably locking the strap (29) to the pole grip (14). Wells also discloses in Figures 1 and 7 an opening in the handle, leading to a channel (76), into which the strap pin (88) is insertable, said opening being located in a region of the pole grip facing the hand retaining device. In addition, a finger (82) is disclosed within a cavity (72) of the pole grip (14), which is pushed into a notch (92) of the strap pin (88) when the strap pin (88) is inserted into channel (76), thereby fixing the strap pin (88) within the pole grip (14). Further, a button (80) is disclosed on the pole handle head, which is coupled to the finger (82), as well as a spring (84), whose expansion, which is triggered by pressing the button (80) leads to a release of the finger (82) from the notch (92), thereby ejecting the strap pin (88) from the channel (76).

However, Wells fails to disclose at least the following features of amended claim 13:

- A first wall facing the hand retaining device that contains a longitudinal slit providing access to the pole handle recess for insertion and removal of the first connecting element. The hole (in Figure 2), by which the channel (76) is accessible, is not a longitudinal slit;
- A hole that extends parallel to or at an angle with respect to the longitudinal pole axis. In Wells, the first connecting element is not lockable in the hole by a

downward motion.

- A hole that extends from above to below a range of motion of the second connecting element. In Wells, the connecting element is inserted into a hole located in the handle head side facing the user by a substantially radial motion, compared to the insertion by a substantially downward, and thus essentially axial motion in the present invention. Also, in the present invention, the longitudinal slit extends all the way up to the top of the handle head front face.

Notably, the new independent claims also contain (further) elements distinguishing the invention from Wells. With respect to claim 28: Wells does not disclose that the first connecting element is lockable in the longitudinal slit by a downward motion (as already mentioned for claim 13), but by a radial motion. With respect to claim 29, in the Wells disclosure, the first connecting element is not insertable by a substantially axial motion, but rather by a substantially radial motion.

#### *Claim Rejections - 35 USC § 103*

**Claims 13, 20-21 and 22-24 are rejected under 35 USC 103(a) as being unpatentable over Lenhart (6,325,418).** This rejection is traversed for at least the following reasons.

Applicants already have explained the novel features of the invention with respect to Wells, as the reference alone does not teach or suggest the use of a longitudinal slit or a downward motion necessary for insertion of the first connecting element into the longitudinal slit. Lenhart does not provide such teaching either.

#### **Lenhart**

Lenhart discloses in Figure 1 a pole grip (10) with a wrist strap (11). The pole grip has a first connecting element (fastening element) (64) fixed to the wrist strap (11), for releasably locking the wrist strap (11) to the pole grip (10), a pole grip body (12) defining a recess (26) and an access opening/inlet (28) of the pole grip, in a region of the pole handle head facing the wrist strap (11). There also is a second connecting element (44), whose second end is pivotably mounted in the pole grip recess, the second connecting element (44) cooperating with said first connecting element (45). Finally, there is an actuating member (44) communicating

with the second connecting element (44); the actuating member (44) being accessible in the region of the pole grip head; as well as a resilient bearing/compression spring (52).

However, as already noted above in relation to Wells, Lenhart fails to disclose at least the following features of amended claim 13:

- A first wall facing the hand retaining device that contains a longitudinal slit providing access to the pole handle recess for insertion and removal of the first connecting element;
- A first connecting element that is lockable in the hole by a downward motion; and
- An opening that extends from above to below a range of motion of the second connecting element.

Applicants respectfully submit that the Examiner again errs in calling the access opening (28) a “longitudinal slit.” The access opening is a substantially rectangular inlet, from which the recess extends to a substantially likewise rectangular outlet located in the obliquely extending end face. The access opening is therefore not a longitudinal slit, extending continuously on the handle head front face as depicted in Figures 2 and 3 of the present application. The first connecting element is not lockable in the hole by a downward motion, but by an upward motion.

The present invention is an improvement of the state of the art, in that the insertion mechanism of a connecting element attached to a glove is simpler and more ergonomic with the use of a downward motion. The connecting element is insertable into the longitudinal slit with only one hand when the ski pole is in an upright position, whereas in the prior art, a one-handed insertion is difficult due to the required radial motion. The novel structure supporting locking with a downward motion is an intuitive movement of the arm, as it is similar to the motion exercised when walking or cross country skiing when pushing a stick off the ground to gain momentum. No prior art document gives any hint to construct a pole handle grip in a way, that the connecting element to the wrist strap can be inserted in an axial and downward motion.

All prior art documents disclose an insertion mechanism by a radial or at the most angular motion in relation to the longitudinal axis of the pole. Moreover, according to the state of the art, a relatively long connecting element is needed in order to allow insertion and firm attachment of the glove or wrist strap to the ski pole. The construction of the present invention allows the connecting element to be much smaller, which increases the comfort for the user having said element continuously attached to the glove or wrist strap.

Based on the foregoing argument and amendment, all of rejected claims 13-15 and 17-27 should be allowable.

#### *New Claims*

New claim 28 is limited by the characteristics of claim 17, namely the mushroom-like or other undercut shape for axial guidance and radial holding in the longitudinal slit, as well as the characteristic of amended claim 13, specifying that the connecting element is fixedly insertable in the longitudinal slit by a downward motion. This is supported by paragraph 0021 (line 8) of the published application (Pub. No. US 2005/0225070 A 1 ).

New claim 29 specifies a substantially axial motion in inserting the connecting element, which is supported by the specification in paragraph 0006 (line 7) of the published application (Pub. No. US 2005/0225070 A1).

New claim 30 is a new dependent claim of claim 29. It further specifies that the connecting element is self-engageable. This element is supported by the specification in paragraph 0021 (lines 14 to 15: ...the head of the connecting element is thereby *caught...*) of the published application (Pub. No. US 2005/0225070 A1).

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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Respectfully submitted,

*/Alan J. Kasper/*

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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CUSTOMER NUMBER

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Alan J. Kasper  
Registration No. 25,426

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